

76-10-3112 Fine for violation -- Certain vertical agreements excluded -- Nolo contendere.

- (1)
- (a) Any person who violates Section 76-10-3104 by price fixing, bid rigging, agreeing among competitors to divide customers or territories, or by engaging in a group boycott with specific intent of eliminating competition is guilty of a third degree felony and, notwithstanding Sections 76-3-301 and 76-3-302, is subject to:
 - (i) if an individual, a fine not to exceed \$100,000; or
 - (ii) if by a person other than an individual, a fine not to exceed \$500,000.
 - (b) Subsection (1)(a) may not be construed to include vertical agreements between a manufacturer, its distributors, or their subdistributors dividing customers and territories solely involving the manufacturer's commodity or service where the manufacturer distributes its commodity or service both directly and through distributors or subdistributors in competition with itself.
- (2) A defendant may plead nolo contendere to a charge brought under this title but only with the consent of the court. The court may accept the plea only after due consideration of the views of the parties and the interest of the public in the effective administration of justice.

Renumbered and Amended by Chapter 187, 2013 General Session

Amended by Chapter 285, 2013 General Session